



FILED

SEP 05 2018

CITY CLERK

APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE No. 31 , 2018

COMMON ADDRESS OF LOTS TO BE REZONED: 1608 North 9th Street, Terre Haute, IN 47804

REZONE FROM: R-2 – Two-Family Residence District

REZONE TO: C-2 – Limited Community Commerce District

PROPOSED USE: Parking & conforming with other lots

NAME OF OWNER: Union Hospital, Inc.

ADDRESS OF OWNER: 1606 North 7th Street
Terre Haute, Indiana 47804

PHONE NUMBER OF OWNER: (812) 238-7604

ATTORNEY REPRESENTING OWNER: B. Curtis Wilkinson

ADDRESS OF ATTORNEY: Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, Indiana 47807

PHONE NUMBER OF ATTORNEY: (812) 232-4311

FOR INFORMATION, CONTACT: B. Curtis Wilkinson
☐ Owner ☒ Attorney

COUNCIL SPONSOR: Todd Nation

****COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION****

FILED

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CITY CLERK

SPECIAL ORDINANCE NO. 31, 2018

An Ordinance Amending Title III designed as "COMPREHENSIVE ZONING ORDINANCE FOR TERRE HAUTE, INDIANA" OF ORDINANCE NO. 1, 1967, AS AMENDED ENTITLED, "AN ORDINANCE ADOPTING A COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF TERRE HAUTE, INDIANA, IN ACCORDANCE WITH CHAPTER 174 OF THE ACTS OF THE INDIANA GENERAL ASSEMBLY, 1947, AS AMENDED, DESIGNATING THE SAME AS A PART OF THE MASTER PLAN FOR THE CITY OF TERRE HAUTE, INDIANA, PROVIDING PENALTIES FOR VIOLATION THEREOF AND DECLARING AN EMERGENCY"

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Title III, Comprehensive Zoning Ordinance of Ordinance No. 1, 1967 effective November 3, 1967, entitled:

An ordinance adopting a comprehensive zoning ordinance for the City of Terre Haute, Indiana, in accordance with Chapter 174 of the Acts of the Indiana General Assembly, 1947, as amended, designating the same as a part of the master plan for the City of Terre Haute, Indiana, providing penalties for violations thereof and declaring an emergency;"

and Chapter 1161 thereof, and the Zoning District Map, is hereby amended to read as follows:

"The property commonly known as 1608 North 9th Street, Terre Haute, Indiana 47804, Parcel No. 84-06-15-156-025.000-002, more particularly described as follows, to-wit:
75 feet off the east end of Lot Number 6 and 75 feet off the east end of Lot Number 7 in Koch's Subdivision of Lot Number 2 in Spencer's Subdivision of the Northwest Quarter of Section 15, Township 12 North, Range 9 West.

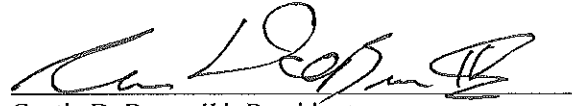
be and the same is hereby established as a C-2 – Limited Community Commerce District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member:


Todd Nation

Passed in open Council this 4 day of October, 2018.


Curtis DeBaun, IV, President

ATTEST:


Michelle Edwards, City Clerk

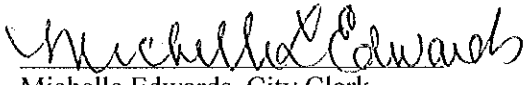
Presented by me to the Mayor of the City of Terre Haute this 9th day of October, 2018.


CITY CLERK Michelle Edwards

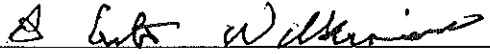
Approved by me, the Mayor of the City of Terre Haute, this 9th day of October, 2018.


MAYOR Duke Bennett

ATTEST:


Michelle Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.


B. Curtis Wilkinson

This instrument prepared by: B. Curtis Wilkinson, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP,
333 Ohio Street, Terre Haute, IN 47807.

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF TERRE HAUTE, INDIANA

and THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION OF
VIGO COUNTY, INDIANA.

GENTLEPERSONS:

The undersigned, Union Hospital, Inc., by and through Mr. Wayne R. Hutson, its Executive Vice President & CFO, and duly authorized representative, respectfully submits this Petition to Rezone Real Property commonly known as the following in Terre Haute, Indiana, and more particularly described as follows, to-wit:

1. Parcel No. 84-06-15-156-025.000-002
Kochs Sub 75' E Side 15-12-9 Lot 6-7
Address: 1608 North 9th Street, Terre Haute, Indiana 47804
[Property currently zoned R-2 – Two-Family Residence District]
Legal Description:
75 feet off the east end of Lot Number 6 and 75 feet off the east end of
Lot Number 7 in Koch's Subdivision of Lot Number 2 in Spencer's
Subdivision of the Northwest Quarter of Section 15, Township 12 North,
Range 9 West.

Your Petitioner is informed and believes that in accordance with Chapter 1161, Zoning District Maps, of Title 3 "Comprehensive Zoning Ordinance 1, 1967," as amended, the above described real estate parcel is now zoned R-2 – Two-Family Residence District of the City of Terre Haute, Indiana.

Your Petitioner would respectfully show that in the block which is bounded to the north by Beech Street, to the south by 8th Avenue, to the east by 9th Street and to the west by 8th Street, Union Hospital, Inc. owns twenty-five (25) of the twenty-six (26) lots. All of the lots surrounding this property are zoned C-2 – Limited Community Commerce District and this Petition would ask that this lot be zoned as are the other lots.

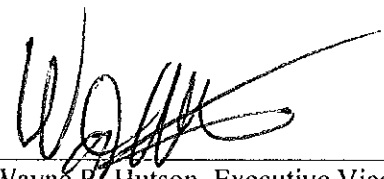
Your Petitioner would respectfully show that the zoning of the above described real estate should be changed to represent the essential character of the locality in which it is located and to reflect the general use of those properties which are for medical purposes. The proposed change will not be

detrimental to the public welfare or injurious to other property or improvements in the neighborhood, nor will it impair an adequate supply of light and/or air to an adjacent property.

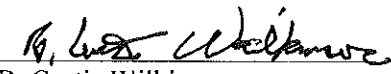
A change in the present zoning to C-2 – Limited Community Commerce District would not alter the general characteristics of the area and would more appropriately reflect the nature of your Petitioner's anticipated use.

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission and the Common Council favorably consider the passage of a special ordinance amending the Comprehensive Zoning Ordinance of the City of Terre Haute, Indiana, being Title 3 of General Ordinance 1, 1967, and declaring the above described real estate to be a part of the Community Commerce Business District: C-2 – Limited Community Commerce District, of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation, subject to all limitations imposed by deed or otherwise.

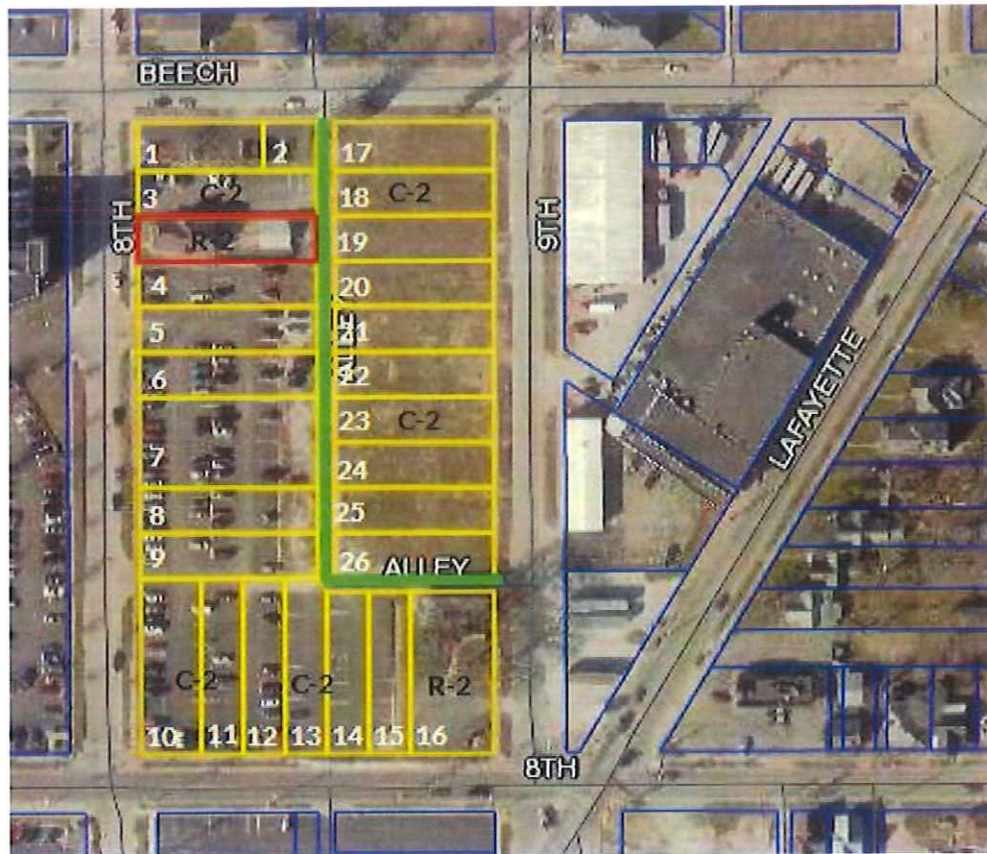
IN WITNESS WHEREOF, this Petition has been duly executed this 5th day of September, 2018.


Wayne R. Hutson, Executive Vice President &
CFO, Union Hospital, Inc.

WILKINSON, GOELLER, MODESITT,
WILKINSON & DRUMMY, LLP
333 Ohio Street
Terre Haute, IN 47807
(812) 232-4311
Fax: (812) 235-5107

By: 
B. Curtis Wilkinson
Attorney No. 1246-84

This instrument prepared by: B. Curtis Wilkinson, Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP,
333 Ohio Street, Terre Haute, Indiana, 47807.



Property Not Owned by Union Hospital:



1653 North 8th Street
Owner: Jayne Sotak

Properties Owned by Union Hospital:



- | | | |
|--------------------------------|--------------------------------|--------------------------------|
| 1. 1661 North 8 th | 11. 806 8 th Avenue | 21. 1642 North 9 th |
| 2. 815 Beech | 12. 810 8 th Avenue | 22. 1638 North 9 th |
| 3. 1659 North 8 th | 13. 812 8 th Avenue | 23. 1634 North 9 th |
| 4. 1649 North 8 th | 14. 818 8 th Avenue | 24. 1630 North 9 th |
| 5. 1645 North 8 th | 15. 820 8 th Avenue | 25. 1630 North 9 th |
| 6. 1641 North 8 th | 16. 1608 North 9 th | 26. 1622 North 9 th |
| 7. 1639 North 8 th | 17. 1658 North 9 th | |
| 8. 1629 North 8 th | 18. 1654 North 9 th | |
| 9. 1623 North 8 th | 19. 1650 North 9 th | |
| 10. 802 8 th Avenue | 20. 1646 North 9 th | |

All Zoned C-2 – Limited Community Commerce

Except for #16 & Sotak Property (1652 North 8th) – Zoned R-2 – Two-Family Residence District

Alleys:



**AFFIDAVIT
OF
WAYNE R. HUTSON
EXECUTIVE VICE PRESIDENT & CHIEF FINANCIAL OFFICER
OF UNION HOSPITAL, INC.**

COMES NOW Wayne R. Hutson, and affirms under penalties of law that:

A. Affiant is the Executive Vice President & Chief Financial Officer of Union Hospital, Inc., and is duly authorized to represent and make this Affidavit for and on behalf of Union Hospital, Inc.

B. Union Hospital, Inc. is a nonprofit corporation lawfully organized and existing under the laws of the State of Indiana.

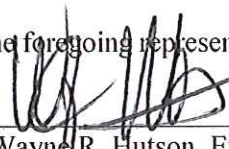
C. In Affiant's capacity as an officer of Union Hospital, Inc., he is in charge of and is familiar with the properties owned by Union Hospital. Affiant represents and warrants that Union Hospital, Inc., is the owner of record of the following parcels of real estate:

1. Parcel No. 84-06-15-156-025.000-002
Kochs Sub 75' E Side 15-12-9 Lot 6-7
Address: 1608 North 9th Street, Terre Haute, Indiana 47804
[Property currently zoned R-2 – Two-Family Residence District]
Legal Description:

75 feet off the east end of Lot Number 6 and 75 feet off the east end of Lot Number 7 in Koch's Subdivision of Lot Number 2 in Spencer's Subdivision of the Northwest Quarter of Section 15, Township 12 North, Range 9 West.

for which a rezoning is requested and attached hereto is the Warranty Deed evidencing such ownership.

I affirm, under penalties for perjury, that the foregoing representations are true.

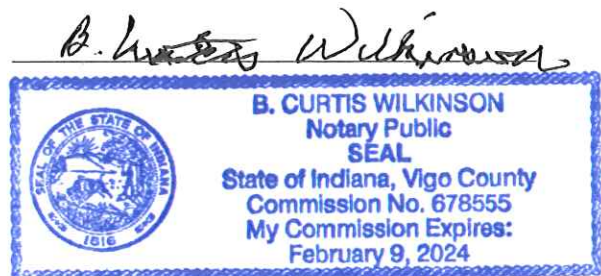


Wayne R. Hutson, Executive Vice President
& Chief Financial Officer, Union Hospital, Inc.

STATE OF INDIANA)
 SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, Wayne R. Hutson, Executive Vice President & Chief Financial Officer, and a duly authorized representative of Union Hospital, Inc., who acknowledges the execution of the above and foregoing Affidavit, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal this 5th day of September, 2018.



DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

MAR 15 2016

2016002640 WD \$18.00
03/15/2016 03:40:42P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

Timothy M. Spence
VIGO COUNTY AUDITOR

WARRANTY DEED

THIS INDENTURE WITNESSETH, that LAFAYETTE HOLDINGS, LLC, an Indiana limited liability company ("Grantor") CONVEYS AND WARRANTS to UNION HOSPITAL, INC., an Indiana nonprofit corporation ("Grantee") for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the following described real estate in Vigo County, in the State of Indiana, to-wit:

75 feet off the east end of Lot Number 6 and 75 feet off the east end of Lot Number 7 in Koch's Subdivision of Lot Number 2 in Spencer's Subdivision of the Northwest Quarter of Section 15, Township 12 North, Range 9 West.

TOGETHER WITH all improvements thereon and all appurtenances thereto, but

SUBJECT TO all Indiana general real property taxes.

This conveyance is further SUBJECT TO (a) public streets and highways and rights of way relating thereto, and (b) restrictions and easements of record and customary easements granted to public utilities.

This deed does not contain nor is it to be construed as containing any implied covenants or warranties of title with respect to any land located within a heretofore platted or dedicated street or alley which has not yet been vacated.

As a further consideration of the payment of the above sum, the undersigned person executing this Warranty Deed on behalf of Grantor represents and certifies, for the purpose of inducing Grantee to accept this Warranty Deed, that: (1) he is the sole Managing Member of Grantor and has been fully empowered, by Grantor's operating agreement and by a duly authorized resolution of the members of Grantor, to execute, acknowledge and deliver this deed; (2) Grantor has full legal capacity to convey the real estate described herein and conveyed hereby; and (3) all necessary entity action for the making of this conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 15th day of March, 2016.

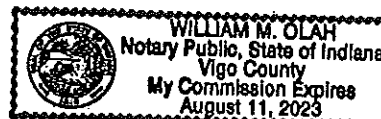
LAFAYETTE HOLDINGS, LLC

By: *Scot C. Mardis*
Scot C. Mardis, Managing Member

STATE OF INDIANA)
:SS
COUNTY OF VIGO)

Before me, a Notary Public in and for said County and State, personally appeared Scot C. Mardis, the Managing Member of Lafayette Holdings, LLC, an Indiana limited liability company, who acknowledged execution of the foregoing Warranty Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 15th day of March, 2016.



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

B. Curtis Wilkinson
B. Curtis Wilkinson

THIS INSTRUMENT PREPARED BY:

Atty B. Curtis Wilkinson, #1246-84
Wilkinson, Goeller, Modesitt,
Wilkinson & Drummy, LLP
333 Ohio Street
Terre Haute, IN 47807

MAIL TAX DUPLICATES TO:

Union Hospital, Inc.
ATTN: ACCOUNTING
1606 North 7th Street
Terre Haute, IN 47804
Sequencing Code 968



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

DATE: October 4, 2018

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER 31-18,

CERTIFICATION DATE: October 3, 2018

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 31-18. This Ordinance is a rezoning of the property located at 1608 N. 9th Street. The Petitioner, Union Hospital, Inc., petitions the Plan Commission to rezone said real estate from zoning classification R-2 to C-2, Limited Community Commerce District, for parking and conforming with other lots. The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 31-18 at a public meeting and hearing held Wednesday, October 3, 2018. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 31-18 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 31-18 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 31-18 was FAVORABLE.

A handwritten signature in black ink, appearing to read "Fred L. Wilson".

Fred L. Wilson, President

A handwritten signature in black ink, appearing to read "Jared Bayler".

Jared Bayler, Executive Director

Received this 4th day of October, 2018

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 31-18

Doc: # 65

Date: October 2018

Page 1 of 3

APPLICATION INFORMATION

Petitioner: Union Hospital, Inc.

Property Owner: Same-As-Above

Representative: B. Curtis Wilkinson

Proposed Use: Parking & conforming with other lots

Proposed Zoning: C-2, Community Commerce District

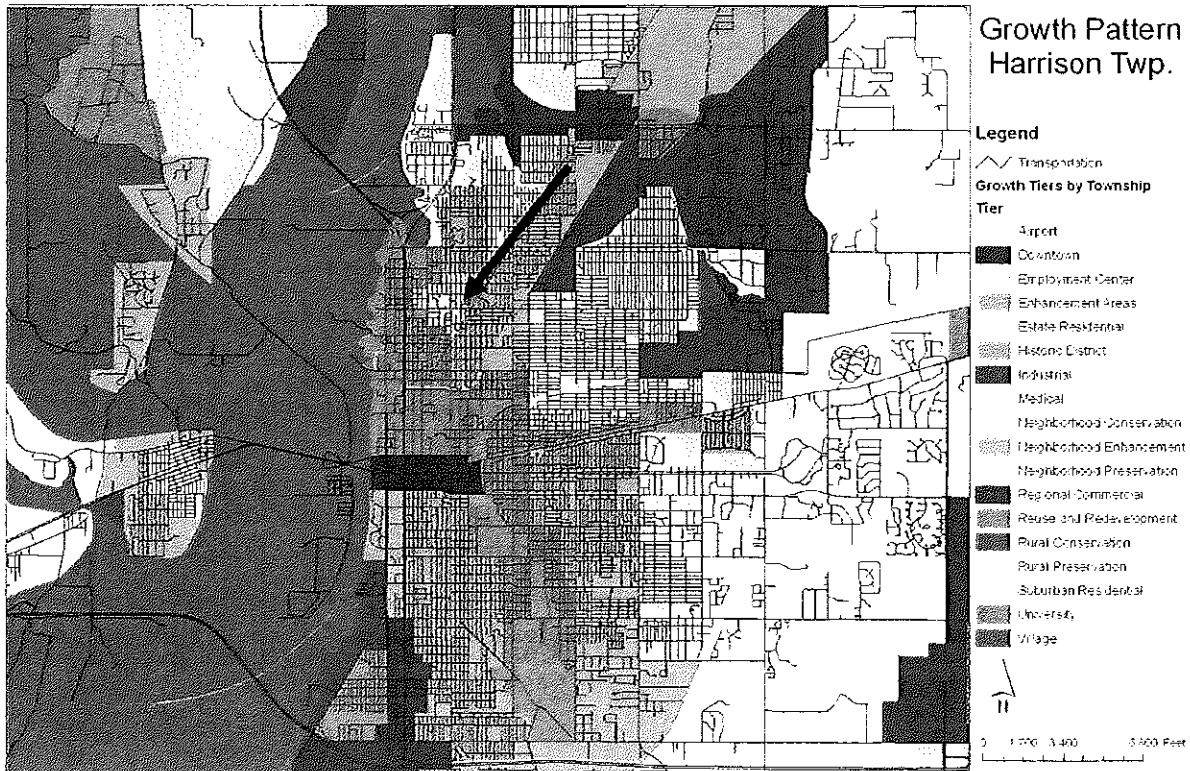
Current Zoning: R-2, Two Family Residence District

Location: The property is on the Corner of 8th Avenue & N. 9th Street

Common Address: 1608 N. 9th Street, Terre Haute, Indiana 47804

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 31-18

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Medical/Hospital Areas

The land within these areas is intended for uses that have a large concentration of existing medical activities. In addition to the hospitals, various clinics and offices of medical practitioners, support activities such as hospital equipment, medical supplies, pharmacies, medical and dental laboratories are appropriate for these areas. Ancillary retail activities for hospital visitors or employees may be appropriate – florists, limited restaurants, lodging facilities, insurance services, banking services, etc. It should be recognized Terre Haute's hospitals are regional health care providers servicing a large number of counties in West Central Indiana and East Central Illinois. Evidence suggests that the hospitals will continue future growth at least in a regional context.

Three future planning principles need to be followed as future development projects emerge in these areas:

- The size of the district(s) and the spillover effects of traffic and medical activities into adjacent residential neighborhoods should be contained and limited. This should be accomplished in a manner that does not inhibit future medical growth or development opportunities but at the same time does not cause displacement or conversion of residential uses for medical activities.
 - The district should be planned as a whole with clear and controlled access, direction signage, controlled drive cuts, cooperative district wide parking, and careful planning of the spatial interrelationships between various land uses and activities.
 - Along the edges of the district(s) special attention should be devoted to buffering, perhaps through landscaping, to clearly separate and distinguish the hospital/medical area from the adjacent residential areas. Within the hospital/medical district landscaping, streetscape details and pedestrian amenities should be enhanced and coordinated.
-

Available Services: Area is well served by utilities.

Street Access: N. 9th Street

ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – C-2

East – M-1 & C-2

South – C-2

West – C-2 & C-3

ZONING REGULATIONS

C-2 Purpose: The Community Commerce Zone is designed for the residents of the nearby community consisting of more than one (1) of the neighborhoods in that section of the city, so as to permit a wider variety of both business uses and services. It is designed not for an abutting neighborhood, but for a relatively larger

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO # 31-18

Doc: # 65

Date: October 2018

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consumer population for both daily and occasional shopping. The development is characterized by a lack of “comparison shopping” and is limited to providing only one (1) store for each type of business.

C-2 Uses: Amusement establishments, bowling alleys, pool halls, swimming pools, dance halls, and skating rinks, Any use permitted in the C-1 Zone except as otherwise provided in this Chapter, Antique shops, Art galleries, but not including auction rooms, Banks and financial institutions, Bicycle sales, rental, and repair stores, Blue-printing and photostating establishments, Books and stationery stores, Camera and photographic supply stores, Candy and ice cream stores, Leather goods and luggage stores, Loan offices, Locksmith shops, Medical and dental clinics, Meeting halls, Millinery shops, Municipal or privately-owned recreation buildings or community-center, Musical instrument sales and repair, Newspaper distributors for home delivery and retail sale, Office supply stores, Offices, business and professional, Optometrists, Paint and wallpaper stores, Restaurants. Liquor may be served if incidental to the serving of food as the principal activity. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07), Live entertainment. (Gen. Ord. No. 2, 2007, As Amended, 2-8-07)

C-2 Standards: Minimum Lot Size: 3,300 Sq. Ft.

FINDINGS and RECOMMENDATION

Staff Findings: Union Hospital Inc. has petitioned to rezone the existing R-2 zoning to C-2 to match the surrounding zones. This location is identified as being located in the Medical/Hospital area by the Thrive 2025 Comprehensive Plan. Many different medical uses are identified as permitted uses by right in the C-2 zoning class.

The site is now a vacant lot. Until recently there was an existing building on site. The building has since been removed.

Recommendation: Staff has a Favorable Recommendation on the C-2 Community Commercial District at this location.

TERRE HAUTE
INDIANA

Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: 9/5/18

Name: Union Hosp

Reason: reopening - notice of filing

reopening - petition

Cash: _____

Check: 45.00 # 99042

Credit: _____

Total: \$ 45.00

RECEIVED
SEP 10 2018
CITY OF TERRE HAUTE, IN
CONTROLLER'S OFFICE